

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Crim. No. 06-0280 (PJS/JSM)

Plaintiff,

v.

ORDER ADOPTING REPORT AND
RECOMMENDATION

ALEXISUS JARMON MOSBY,

Defendant.

Tricia Tingle, Assistant United States Attorney, UNITED STATES ATTORNEY'S OFFICE, 300 South Fourth Street, Suite 600, Minneapolis, MN 55415, for plaintiff.

Paul Schneck, SCHNECK LAW OFFICE, 333 Washington Avenue North, Suite 300, Minneapolis, MN 55401, for defendant.

This matter is before the Court on defendant Alexisus Jarmon Mosby's objections to the October 25, 2006 Report and Recommendation ("R&R") of Magistrate Judge Janie S. Mayeron. Judge Mayeron recommends denying Mosby's motion to suppress evidence obtained as a result of a search and seizure.

The evidence at issue is a gun that Mosby allegedly threw under a parked car while he was being pursued by the police. Judge Mayeron found that Mosby voluntarily abandoned the gun and that, at the time he did so, he had not been "seized" by the police for purposes of the Fourth Amendment. Judge Mayeron further found that, even if Mosby had been "seized," the seizure was valid under the Fourth Amendment, as the police had a reasonable and articulable suspicion that Mosby was involved in criminal activity.

The Court has reviewed the record de novo, as required by 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), and finds that Judge Mayeron's R&R adequately addresses all of the arguments made in Mosby's objections.

ORDER

Based on the foregoing and on all of the files, records, and proceedings herein, the Court OVERRULES Mosby's objections [Docket No. 35] and ADOPTS Judge Mayeron's Report and Recommendation [Docket No. 34]. Accordingly, IT IS HEREBY ORDERED THAT Mosby's motion to suppress evidence obtained as a result of search and seizure [Docket No. 17] is DENIED.

Dated: November 20, 2006

s/Patrick J. Schiltz
Patrick J. Schiltz
United States District Judge